

U.S. Department of Labor

Occupational Safety and Health Administration
Cincinnati Area Office
36 Triangle Park Dr.
Cincinnati Oh 45246
Phone 513-841-4132 Fax 513-841-4114
<http://www.osha.gov>



October 30, 2019

Matt Kasper
Research Director
Energy and Policy Institute
PO Box 577764
Chicago IL 60657

Act Request – Dynegy Illinois

Dear Mr. Kasper:

Thank you for your Freedom of Information Act Request. Your request has been processed and a release of information has been prepared. You will note some information has been removed from the documents. This is authorized under the rules and regulations, including exemptions, contained in the Freedom of Information Act. Exemptions for the actual deleted sections are indicated on each page and for your convenience a general description of the exemptions has been enclosed.

The fees have been waived due to the delay of processing the FOIA request. If you have questions, please contact Crystal Pignone at 513-841-4133.

You have the right to appeal this decision with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state, in writing, the grounds for the appeal, including any supporting statements or arguments. The appeal should also include a copy of your initial request and a copy of this letter.

If you appeal, you may mail your appeal to: Solicitor of Labor, U.S. Department of Labor, Room N-2420, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Alternatively, you may email your appeal to foiaappeal@dol.gov, or fax your appeal to (202) 693-5538. The envelope (if mailed), cover email (if emailed), or fax cover sheet (if faxed), and the letter indicating the grounds for appeal, should be clearly marked: "Freedom of Information Act Appeal."

In addition to filing an Appeal, you may contact the Office of Government Information Services (OGIS) or the Department's FOIA Public Liaison, Thomas G. Hicks, Sr. at (202) 693-5427 or hicks.thomas@dol.gov for assistance in resolving disputes. The Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways to inquire about their FOIA mediation services:

Office of Government Information Services
National Archives and Records Administration

8601 Adelphi Road – OGIS
College Park, MD 20740-6001
Email: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1-877-684-6448

It is also important to note that the services offered by OGIS are not an alternative to filing an administrative FOIA appeal.

If you have further questions about this denial or if you would like to periodically check the status of the requested record, please feel free to call our office at the number listed above.

Sincerely,

Gaye R. Johnson

For Ken E. Montgomery
Area Director

Explanation of Freedom of Information Act Exemptions

All federal agency records must be made available to the public under the Freedom of Information Act (FOIA), except for records that fall within the scope of one or more of the nine exemptions listed within the Act. These exemptions are defined as follows:

Exemption 1	Those documents properly classified as secret in the interest of national defense or foreign policy;
Exemption 2	Information related solely to internal personnel rules and practices;
Exemption 3	Documents that are specifically exempted by other statutes;
Exemption 4	Trade secret, privileged or confidential commercial or financial information obtained from a person;
Exemption 5	Inter-agency or intra-agency memorandum or letter;
Exemption 6	A personnel, medical, or similar file the release of which would constitute a clearly unwarranted invasion of personal privacy;
Exemption 7	Documents that have been compiled for law enforcement purposes, the release of which ... <ul style="list-style-type: none">a could reasonably be expected to interfere with law enforcement proceedings,b would deprive a person of a right to a fair trial or an impartial adjudication,c could reasonably be expected to constitute an unwarranted invasion of personal privacy,d could reasonably be expected to disclose the identity of a confidential source,e would disclose techniques, procedures, or guidelines for investigations or prosecutions, orf could reasonably be expected to endanger an individual's life or physical safety;
Exemption 8	Information contained in or related to examination, operating, or condition reports about financial institutions that the SEC regulates or supervises;
Exemption 9	And those documents containing exempt information about gas or oil wells.

The "[Justice Department Guide to the Freedom of Information Act](#)" provides more detail on these exemptions as well as FOIA law enforcement record exclusions and certain procedures.